## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

BRANDON CHURCH,	)
1719 Elwood Street	)
St. Joseph, MO 64505	)
Plaintiff,	) Civil Case No. 5:24-cv-6158
v.	) JURY TRIAL DEMANDED
MICHAEL SCOTT COLE,	<i>)</i> )
9236 Spring Road	)
Fish Creek, WI 54212	)
	)
Defendant.	)

## **COMPLAINT**

**COMES NOW** Plaintiff Brandon Church, through undersigned counsel, and for this cause of action against Defendant Michael Scott Cole, states and alleges as follows:

- 1. This cause of action occurred in Gentry County, Missouri.
- 2. Plaintiff Brandon Church is an individual residing in St. Joseph, Missouri.
- 3. Defendant Michael Scott Cole is an individual residing in Fish Creek, Wisconsin.
- 4. Jurisdiction is proper under 28 U.S.C. § 1332.
- 5. On October 28, 2024, Plaintiff Brandon Church was operating a 1979 Suzuki CB850 on westbound Missouri Route E in Gentry County, Missouri.
- 6. At said time and place, Defendant Michael Scott Cole was operating a 2019 Chevrolet Silverado eastbound on Missouri Route E and turned left, towards Route H, and into the path of the Suzuki, causing the collision between the Silverado and the Suzuki.
- 7. Defendant failed to exercise the highest degree of care in the operation of the 2019 Chevrolet Silverado in one or more of the following particulars:
  - a. Defendant failed to yield to the right of way;

b. Defendant failed to keep a careful lookout;

c. Defendant failed to brake, slacken speed, swerve, or sound a horn after danger of

collision became apparent; and

d. Defendant failed to exercise the highest degree of care in the operation of a motor

vehicle and was therefore negligent.

8. As a direct and proximate result of the collision which was caused by the negligent

acts and/or omissions of Defendant as fully set forth above, Plaintiff Brandon Church suffered the

following progressive and disabling injuries: concussion with loss of consciousness; traumatic

brain injury; brain blead; left tibia and fibula fractures; left femur fracture; left arm brachial plexus

injury; left shoulder injuries; fractured jaw; sprains and strains to his neck and back; lost wages;

loss of household services, and he has incurred expenses for medical treatment, and will likely

incur additional expense for medical treatment, all to his detriment in an amount in excess of

twenty-five thousand dollars.

WHEREFORE, Plaintiff Brandon Church prays for judgment against Defendant Michael

Scott Cole in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) and for his

costs and expenses incurred herein, and for such further relief as this Honorable Court deems just

and proper.

**DEMAND FOR JURY TRIAL** 

Pursuant to Federal Rules of Civil Procedure 38(b), Plaintiff requests a trial by jury of all

issues triable as of right.

Respectfully submitted,

MONTEE LAW FIRM, P.C.

/s/ James Montee

James Montee, MO #33489

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